Calendar No. 472

97TH CONGRESS
2d Session

SENATE

REPORT
No. 97-328

REGARDING MEMBERSHIP IN UNITED NATIONS GENERAL ASSEMBLY

APRIL 1 (legislative day, FEBRUARY 22), 1982—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany S. Con. Res. 68]

The Committee on Foreign Relations, to which was referred the concurrent resolution (S. Con. Res. 68). Regarding membership in the United Nations General Assembly, having considered the same, reports favorably thereon with amendments and recommends that the concurrent resolution as amended do pass.

Purpose of the Resolution.—The purpose of the resolution is to demonstrate the opposition of Congress to any attempt to expel Israel or any other democratic state from the United Nations General Assembly or a specialized agency and to preserve the integrity of the Charter of the United Nations.

Background.—Last month, the United Nations General Assembly condemned Israel for applying Israeli law to the occupied Golan Heights. Eighty-six nations voted in favor of this resolution which also called upon all nations to isolate Israel. The United States voted against the resolution. Some observers fear the action taken in the General Assembly is designed to lay the foundation for suspending Israel from participating in the 37th General Assembly when it convenes this fall.

According to the UN Charter, a member can be suspended or expelled only upon recommendation of the Security Council and with the concurrence of two-thirds of the General Assembly. Suspension or expulsion of Israel would, of course, be subject to veto in the Security Council by the United States, United Kingdom, and France.

A more likely approach would be for the General Assembly to refuse to accept Israel's credentials. While such an Act would not necessarily stop Israel from participating in the General Assembly session (for a

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period following the 1956 revolution, the General Assembly rejected Hungary's credentials without blocking the right of the Hungarian delegates to participate), rejection of South Africa's credentials has been used to deny that country the right to participate in the General Assembly. The United States and other Western powers maintain that credentials questions are purely technical and cannot be used as a substitute for the U.N. Charter's expulsion and suspension procedures.

Committee Action.—The committee discussed Senate Concurrent Resolution 68 on March 23. Senator Moynihan appeared before the committee speaking in favor of the resolution.

Senator Percy offered several clarifying amendments. Senator Pressler offered amendments which expanded the scope of the resolution to include all U.N. agencies as well as the General Assembly.

Senator Dodd offered the following substitute resolution:

Whereas the United Nations was founded on the principle of universality of membership; and

Whereas the participation of democratic states in the activities of the United Nations is vital to assist that organization in furthering the cause of international peace, security, and freedom; and

Whereas the charter stipulates that United Nations members may be suspended by the General Assembly only "upon the recommendation of the Security Council"; and

Whereas any move by the General Assembly that would illegally deny a democratic state its credentials in the Assembly would be a direct violation of the charter of the United Nations:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That any action by the United Nations or any United Nations body to prevent a democratic state from exercising its rights under the charter to participate in the United Nations will have the most serious consequences for continued United States support for the United Nations, including continued United States participation in the General Assembly and continued United States financial support for the United Nations; and be it further

Resolved, it is the sense of the Congress that the Secretary of State communicate to the member states of the General Assembly of the United Nations what the Congress has herein resolved.

The Dodd substitute was rejected by a vote of seven to three. Three Senators, Percy, Dodd, and Biden, voted in favor of the substitute, and seven Senators, Helms, Lugar, Kassebaum, Sarbanes, Boschwitz, Pressler, and Tsongas, voted against it.

The committee then approved the resolution as amended by Senators Percy and Pressler by unanimous voice vote.

Committee Comments.—Senators Percy, Dodd, and Biden supported the substitute resolution because they considered it a more effective means to attain the purposes of Senate Concurrent Resolution 68. The substitute resolution expressed the sense of the Senate on "any action by the United Nations or any United Nations body to prevent a democratic state from exercising its right under the Charter" but does not name any one country. Senator Dodd expressed his view that singling out Israel could be counter-productive and contribute to its sense of isolation. Senator Dodd also asserted that it would be unwise

to specify the actions the United States would take should the credentials of Israel or other democratic states be suspended since this would limit actions to the options specified in the original resolution.

The prevailing view, however, was that Israel had been under attack in the United Nations and no one would have any doubt that the resolution was referring to Israel where it is mentioned or not. Furthermore, the member states of the United Nations should be under no illusions what actions the Congress considered appropriate should the United Nations exclude Israel or any other democratic state.

Several members of the committee expressed concern that the resolution should not apply to South Africa. South Africa is not a democratic state. The Committee does not intend this resolution to apply to South Africa. Furthermore, the committee interpreted the resolution to call for U.S. withdrawal only from the specific agency (or the General Assembly) in which the participation of Israel or other democratic states was suspended, and not a general withdrawal from all U.N. agencies.

BUDGET IMPACT ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 29, 1982.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. Con. Res. 68, a Concurrent Resolution regarding membership in the United Nations General Assembly; as introduced to the Senate Foreign Relations Committee on March 11, 1982.

The legislation is a sense of Congress resolution that the U.S. should suspend participation in, and withhold its assessed contributions to, the U.N. General Assembly or specialized agency if Israel or any other democratic state is illegally expelled, suspended, denied its credentials, or otherwise denied its right to participate in the General Assembly or agency. This legislation is estimated to have no net costs or savings. It is impractical to anticipate actions by the U.N. General Assembly or specialized agency triggering the withholding of U.S. payments. However, assessed contributions are a treaty obligation and, barring a withdrawal by the U.S. from the international organization, the U.S. would be liable for its assessed contributions. Any assessments withheld would be payable upon reversal of the illegal action.

Sincerely,

ALICE M. RIVLIN, *Director.*

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